IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FOURTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 17259 of 2004

Between:

J. Krishna Prabha W/o Chandrashekar,
r/o 5-63, Bhavani Nagar, Dilsukhnagar, Hyderabad

.... PETITIONER

AND

The Commissioner, Municipal Corporation of Guntur, Guntur

...RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate order or direction more particularly one in nature of Writ of mandamus declaring that the action of the respondent in trying to dispossess the petitioner from the property bearing Regd. NO. 3095/1 covered by Sy. NO. 407 situated at Stambalakaru Municipal extension, Old ward 18, Block 16, adjacent to town nallapadu Village & Talluq, Guntur without recourse to Land Acquisition proceedings is arbitrary, illegal and unconstitutional and consequently direct the respondent herein not to interfere with the possession and enjoyment of the petitioner.

Counsel for the Petitioner: MR.P.R.PRASAD

Counsel for the Respondents: MR.T.S.VENKATA RAMANA

The Court made the following:

ORDER:

Heard the learned counsel for the petitioner and also the learned standing counsel appearing on behalf of the respondents. Both the counsel have no objection to dispose of the writ petition.

2. Learned counsel for the petitioner submits that respondents are trying to acquire the property of the petitioner without following due process of law, whereas the learned standing counsel appearing on behalf of the respondents submits that wherever the land is required for widening of the road, they are following the procedure contemplated as directed by a Division Bench of this Court in W.P.No.21198 of 1997 and batch, dated 03-02-1998.

2. Having regard to the fact that municipality is a party to the above judgment; they are bound to follow the procedure whenever a private citizen is deprived of his property.

The Writ Petition is accordingly disposed of. No costs.

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A. **GOPAL REDDY, J**

September 24, 2004

MRR

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To:

1. The Commissioner, Municipal Corporation of Guntur, Guntur
2. Two C.D. Copies.